THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CR No. 6609 of 2005
Date of decision : May 14, 2007

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Daljit Singh and another .....Petitioners

Versus

Sukhdev Singh and others .....Respondents

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CORAM: HON'BLE MR. JUSTICE H.S BHALLA

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Present: Mr. R.S Rangpuri, Advocate for the petitioner(s).

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(H.S BHALLA, J)

Learned counsel has stated that he had filed the written statement on 31.10.2005 before the learned Trial Court. A perusal of the file clearly spells out that vide interim order dated 14.10.2005, learned trial Court had directed the defendants to file written statement till 31.10.2005. Interim order dated 14.10.2005 reads as under:

> ***"Received by transfer. It is registered.***
>
> ***Written statement and reply on behalf of defendant no.1 & 3 not filed. On request, defendants are directed to file their written statement on 31.10.2005."***

Learned counsel has further stated that the written statement which is on the file was not considered by the learned Trial Court vide its order dated 31.10.2005. Since it has been mentioned in that order that the written statement is already in the file it clearly spells out that the written statement was filed on or before 31.10.2005.

In view of this, the present revision petition is allowed. Impugned order dated 31.10.2005 passed by Additional Civil Judge (SD), Muktsar is quashed.

Petition is disposed of accordingly.

May 14, 2007 **(H.S BHALLA)**
ritu JUDGE